

# Family Fiqh in Malaysia

An Analysis of the Selected Issues

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## The Role of the Private Sector in Providing Foster Care Service for Children without Parental Care in Malaysia

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### Introduction

Children are vulnerable human beings who always require care and protection from adults, especially the parents. From birth, the children should be provided with parental care as well as love and affection. In addition, it is the duty of the parents or the guardians to raise their children properly by feeding, clothing, educating, maintaining and guiding them until they become independent. Parents are also responsible to ensure that their children are brought up in a safe environment so that their wellbeing is always secured. Furthermore, every Muslim should be responsible for those in their care. The Prophet ﷺ has said:

Every one of you is a guardian and every one of you is responsible (for his wards). A ruler is a guardian and is

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responsible (for his subjects); a man is a guardian of his family and responsible (for them); a wife is a guardian of her husband's house and she is responsible (for it); a slave is a guardian of his master's property and is responsible (for that). Beware! All of you are guardians and are responsible (for your wards)—Bukhari n.d, vol. 7, 82.

However, there are children who live without parental care or protection from their families, for instance, orphaned, neglected, abused and abandoned children. In these situations, a country's child protection system becomes vital to help provide a substitute or alternative care for the children. It follows that in this system, the government and the private sector often play significant roles in providing suitable alternative care options to protect the children's wellbeing. Thus, children without parental care are considered as the most vulnerable children who basically require the utmost care and protection.

### Foster Care as an Alternative Care Option

In Malaysia, children who have no parental care or guardian are known as children in need of care and protection (Child Act 2001, s 17). Since the parents are either absent, disqualified, incapable or unwilling to look after their children, substitute care is needed in order to ensure that their welfare is taken care of. Substitute care refers to a service that is designed for a replacement of natural parental care by either partly or wholly and it remains to be a significant child protection service as shown by history (The Encyclopedia Americana 1982, 463). Article 20(3) of the United Nations Convention on the Rights of the Child 1989 (hereinafter referred as UNCRC) provides that alternative care may include adoption, foster placement, placement according to the principle of *kafālah* and placement in residential care. Basically, these

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alternative care options are part of the child protection system in many countries around the world, including Malaysia. However, it seems that foster care as a form of alternative care is not common in Malaysia compared to institutional care.

Encyclopedia of Children and Childhood: In History and Society (2004) defines foster care as "the formal and informal custodial care of children whose parents are outside their own biological family home when their parents are unable, unwilling, or prohibited from caring for them" (363). Informal foster care refers to an arrangement between birth parents and relatives to care for the child and usually unregistered, uncounted and unevaluated (Colton and Williams 2005, 154). Alternatively, formal foster care is legally authorised (Triseliotis, Sellick and Short 2005, 130) and arranged by a recognised authority (Colton and Williams 2005, 154-155). In general, foster parents are recruited through assessments, and they might also have to attend training before they are qualified to foster a child in their own homes. The responsibilities of foster parents concerning the foster child are basically stated in a legal contract (The Gale Encyclopedia of Childhood & Adolescence 1998, 297). Foster care may also denote that foster parents are paid a certain amount of money in return for their job in caring for someone else's child for a certain period either a few days, weeks, months or years (Triseliotis, Sellick and Short 2005, 130). It needs to be noted that children in foster care usually still have at least one living parent who may or may not visit them (Downs, Moore and McFadden, 2009, 275).

An arrangement of a child to be placed in foster care may be made voluntarily by their parents or by court order, particularly in abuse or neglect cases (The Gale Encyclopedia of Childhood & Adolescence 1998, 296). Notably, it is documented that children who enter foster care have suffered difficult experiences, including maltreatment and parental problems, such as, physical and

emotional neglect, abuse, sexual abuse, abandonment or exploitation (Downs, Moore and McFadden 2009, 277). Consequently, these children have to be separated from their birth parents due to these situations. The birth parents, however, generally retain numerous rights even though the child has been placed in foster care. It follows that the foster parents have to accept the child's biological family, assist their visits, and keep their connection with the child physically and emotionally. They must also continue working positively with social workers (Triseliotis, Sellick and Short 2005, 131). Since foster care is often perceived as temporary care for the child, its main goal is, therefore, to find a permanent placement for the child, such as, by reintegrating the child into their birth family, adoption or permanent foster care (Stahl 1990, 4). Alternatively, foster care works on a long-term basis for children who need permanent family care but have no chance to reunite with their birth parents, and who do not wish to be adopted. Long-term foster care can also be an option for those who have been refused adoption because there is no suitable adoptive family for them (Downs, Moore and McFadden 2009, 277). In general, foster care is perceived as temporary in nature, while adoption is perceived as permanent and legally binding (Triseliotis, Sellick and Short 2005, 131). In this regard, even long-term foster care does not offer a child with higher levels of security and a stronger sense of belonging compared to adoption. It follows that foster children may often feel insecure due to the impermanence of foster care that lacks legal security placement of which could be terminated at any time (Triseliotis 2005, 76-77).

### Foster Care from an Islamic Perspective

The significance of taking children without parental care, such as orphans and abandoned children to care for is evidently deep-rooted in Islam (Imad-ad-Dean 1999). For instance, it is

*The Role of the Private Sector in Providing Foster Care Service* mentioned in the Qur'an to the effect that

"Therefore, treat not the orphan with harshness"—al-Qur'an 93:9.

Additionally, in a hadith, the Prophet ﷺ is reported to have said

"I and the person who looks after an orphan and provides for him, will be in Paradise like this," putting his index and middle fingers together—*Sahih Al-Bukhari* n.d, vol. 8, book 73, hadith 34.

It is also considered as a commendable act that will be rewarded greatly in the hereafter that is paradise (Al-Qaradawi 2007, 226). A founding or abandoned child is also considered as an orphan that must always be protected (Al-Qaradawi 2007, 227). It follows that Islam recognises a form of care in which a man takes an orphan or a foundling into the family for the purpose of rearing, educating, and treating him or her as his own child. He has to protect, feed, clothe, teach and love the child as his own without attributing the child to him and allowing him or her to inherit his property (Al-Qaradawi 2007, 226). Interestingly, this concept is quite similar to adoption to a certain extent, and it is known as *kafālah* (Imad-ad-Dean, 1999). According to Imad-ad-Dean (1999), *kafālah* literally refers to sponsorship, which is derived from the root word *kafala* that means "to feed". The most precise translation of *kafālah* is "foster parenting" or "legal fostering". It is also perceived as a legal guardianship of a minor signifying "wardship, tutelage, or the gift of care" (Bargach 2002, 9).

In *kafālah*, the guardian (*kafil*) is mainly in charge of providing the foster children with guardianship, accommodation and care within a family environment by maintaining their biological parentage without the affiliation and inheritance rights (Ishaque 2008, 414). In contrast to legal adoption, the notion of *kafālah* is considered as a "primarily gift of care and not a

substitute for lineal descent" (Bargach 2002, 60). It needs to be noted that Islamic law does not recognise the notion of legal adoption as widely practised in Western countries. The Qur'anic verses provide specific rules regarding the legal relationship of a child and his or her adopters (al-Qur'an 33:4-5). Basically, the blood ties between the child and the birth parents are preserved, and the birth parents' identity is not concealed. It is also a reminder to the adoptive parents that they are not and could never replace the child's birth parents (Ali and Andaleeb 2008, 30).

There are several legal implications of *kafālah* based on the Qur'anic verses that prohibit legal adoption, as mentioned above. *Kafālah* generally does not allow the foster child to assume the foster family's name, and it retains the name of his or her biological family (Ali and Andaleeb 2008, 31). This is to avoid confusion with the heirs of the adoptive parents or any claim of legal rights that do not belong to the foster child such as inheritance (Sonbol 1995, 62). Notably, paternity in Islam is basically based on blood relationship that also entails the right to inheritance (Sonbol 1995, 48-51). However, the foster child in *kafālah* is entitled to benefit his or her foster parents' property through several instruments such as a will (not more than one-third of the property), gift or *waqf* (Mohd 2011, 240). In addition, the foster child will be affected by the Islamic constraints in intermixing with his or her foster family members of a different gender since he or she is considered as *non-mahram* to them. It follows that marriage is permissible between them. Although such constraints can be removed by breastfeeding or suckling the foster child in establishing a biological relationship, it still does not entitle the foster child to the rights of inheritance and maintenance (Ali and Andaleeb 2008, 33; Mohd 2011, 241).

*Kafālah* or foster care, therefore, is often perceived as an alternative to legal adoption which allows Muslims to do good

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deeds and take care of children in need. It is also widely practised in Muslim countries like Morocco and Jordan. At the international level, it is well recognised by the UNCRF as alternative care for children deprived of the family environment.

### **The Role of the Private Sector in Providing Foster Care Service**

Other than the government, the private sector in Malaysia also plays a vital role in providing alternative care for children without parental care. Notably, many organisations provide institutional care for these children. They are usually funded by the government, individuals, corporate sector as well as charity and religious bodies. Most of them establish residential care such as shelters and orphanages to accommodate children without parental care by providing them with a place to stay, food, clothes, counselling services and education. According to Chiew (2019), government statistics provided that an estimated 13,700 children are living in orphanages and institutions in Malaysia. This number, however, does not include children who are living in unregistered institutions. Subsequently, the number of these institutions may surpass 1,000, possibly housing 50,000 children. This also seems to suggest that the private sector has mainly contributed to accommodate children without parental care through residential care since many of these institutions are not registered.

In regard to foster care, it seems that some institutions in the private sector may have their own procedures and requirement. However, since it involves children in need of care and protection, they might be subjected to the Social Welfare Department's (hereinafter referred as SWD) approval with regard to any arrangement of family-based care of these children. For instance, OrphanCare Foundation (hereinafter OrphanCare), an NGO in Malaysia, works closely with the SWD in placing a vulnerable

child in a suitable substitute family. OrphanCare has a memorandum of understanding with the SWD. It allows them to provide alternative care for unwanted babies who are given up personally by their birth parents, babies left at OrphanCare Baby Hatch or children in the care of the SWD. OrphanCare believes that 'every child needs a family' and recognises that children should not stay in institutions or orphanages permanently. It also seeks to reduce the number of children in orphanages (OrphanCare, n.d).

The SWD and OrphanCare also make a joint effort to place institutionalised children in family-based care through the deinstitutionalisation process. This process takes time, and it involves finding alternative ways to support children without parental care, such as rehoming them with the birth families, or with new families through foster care. In this process, OrphanCare will usually write first to the institutions, and whoever is open enough with the concept will be invited to a conference. Currently, there are only five institutions that have expressed willingness to change and are working with OrphanCare in the deinstitutionalisation process. For instance, Rumah Solehah is one of the few 'family-based care centres' in Malaysia that are attempting to 'deinstitutionalise' children in its care. It was the first HIV/AIDS institution in the country to make a transition in 2014. It provides shelters for HIV positive and HIV-affected young people aged between seven and twenty. The centre receives an abandoned HIV/AIDS baby and will make efforts to trace its living relatives with the government's help. The centre also tries to arrange family-based care for children in its care despite the difficulties due to the discrimination and misconceptions associated with people infected by HIV/AIDS. Notably, there were 451 children in Malaysia taken out of institutions in 2017. OrphanCare also arranged successful adoptions of 25 institutionalised children and 18 were

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reintegrated with their families. Additionally, Rumah Solehah rehomed 55 children (Chiew, 2019).

Chiew (2019) also highlighted that OrphanCARE has been collaborating with different government departments since 2018 to conduct a pilot project in the state of Negeri Sembilan on institutionalised children. This project is a significant step taken to understand the size and scope of the problem in Malaysia. The project also aims to establish a database of how many children are orphans, have parents or relatives, and to identify the real reason they were sent to institutions.

In Malaysia, the new amendments to the Child Act 2001 in 2016 have emphasized family-based care for children in need of care and protection. In this regard, foster care is very significant as substitute care for children without parental care. Therefore, in line with the new amendments, OrphanCare works with the SWD to transit institutionalised children to family-based care by engaging more institutions in the private sector to participate in the process. Although it takes time, this step seems a big move in order to transform the child protection system towards family-based care instead of institutional care.

### **The Significance of Family-Based Care in Child Protection System**

Foster care is an alternative care option that provides children with the benefit of a family setting. Significantly, it seems that family-based care is often perceived as a better alternative to institutional care. However, residential care remains an option for a child's placement especially when there is no other practical alternative such as a suitable foster family (Little, Kohm and Thompson 2009, 225). In deciding to place a child in residential care, it must be based on an appropriate judgment and good planning, for instance, by identifying children who would benefit



from such care (Rowe 2009, 14). If a young child is to be placed in residential care, it should be a better arrangement than foster family care in terms of safeguarding the child's physical wellbeing, supporting his growth and development as well as providing stability of caregiving. The decision must also be based on the competency of residential care to assist permanence through more immediate reunification, speeded up adoptions and lower rates of returning to the child protection system (Berrick et al. 2009, 247).

International law has significantly emphasised that residential care should be used as a measure of last resort after all other alternative care options have been exhausted (United Nations Convention on the Rights of the Child 1989, art. 20). This seems to suggest that family-based care is to be preferred over institutional care. Notably, institutional care is often associated with negative impacts on children. Stein and Carey (2005, 275) provide several downsides of institutional care, such as the lack of love and generosity. Besides that, the restrictions in institutional care are rigid and irrelevant. There are also a large number of children making efforts to get the attention of a small number of adults. Notably, the staff became temporarily inaccessible when it was time for them to change shifts. At times, brothers and sisters were separated. In addressing institutional abuse and neglect, children may suffer physical neglect related to poor nutrition, lack of exercise and planned activities as well as physical abuse by staff (The Encyclopedia of Child Abuse 1989, 96-97). In addition, the risks of bullying or misbehaviour by other peers in residential care may also increase (Little, Kohm and Thompson 2009, 227). It needs to be noted that the acting-out behaviour of young children can jeopardize other children if the institution does not have adequate, appropriate supervision and control (Downs, Moore and McFadden 2009, 301). The negative effects of residential care are also often associated with lower academic achievement (Berrick et al. 2009, 248-249) and lacking personal care, causing

failure to thrive (Willems 2010, 427-428).

There are other significant negative effects of institutional care that should not be disregarded when making a decision on a child's placement, namely, the psychological damage of institutional life on a child's development such as attachment disorders (Dillon 2003, 221). Based on Bowlby attachment theory, attachment disorders are considered as the most important form of psychological problems that prevent a child from growing up into a capable and well-adjusted person (Dillon 2003, 237). In addition, studies have revealed how detrimental institutional care is for children as it negatively affects a child physically, psychologically and intellectually. For example, the child may suffer from growth retardation, developmental delays, failure to thrive, and language delays (Wechsler 2010, 7-12). In addition, Willems (2010) noted that: "Neglect and failure of environmental stimulation during sensitive periods of brain development may lead to permanent deficits in certain functions" (417). Children residing in institutions or orphanages often lack constant contact and emotional involvement from the caregivers, as well as experiences outside their institution. Researchers found that developmental delays and deficits among institutionalised children are significantly contributed by the failure of these conditions to ensure children have the stability, sensitivity and stimulation needed for normative development (Wechsler 2010, 7). It seems that due to these negative impacts on a child's development, family-based care is preferable compared to institutional care when deciding on alternative care placements.

Thus, it is imperative to make efforts in finding a suitable foster family for children without parental care. Both the government and the private sector should play their roles in order to transit institutionalised children to family-based care so that they can thrive and grow up in a family environment like other children. The preamble of the UNCRC also recognises the child's

right to grow up in a family setting where he or she can live in an atmosphere of happiness, love and understanding (United Nations Convention on the Rights of the Child 1989 pmbl., para. 6). The authority must carefully identify which placement can benefit the children the most by taking into account their circumstances and the negative impacts of institutional life. It follows that the joint effort by the government and the private sector can help identify suitable children that can be placed in foster care.

### **The Shortcomings of Foster Care Service in the Malaysian Private Sector**

Although foster care gives the benefits of having a family life to children without parental care, it does have its shortcomings in Malaysia, especially in the private sector. It seems that currently there is no law or regulations that govern the private sector in providing foster care service. Accordingly, it is necessary to refer to the SWD when making such an arrangement. Notably, it is imperative to raise awareness regarding the importance of a child to live and grow up in a family setting. The Malaysian Child (Amendment) Act 2016 and the UNCRC significantly endorse that children have the right to grow up in a safe and nurturing family environment. Accordingly, in May 2015, the Ministry of Women, Family and Community Development announced that it was implementing deinstitutionalisation, the process of moving children from institutional care to family-based care. In this regard, OrphanCare, an NGO, advocates and works to release children from institutions and to let them grow up in loving homes and families. OrphanCare highlighted the need to strengthen family units and community-based support services through the deinstitutionalisation process (OrphanCare, n.d).

The first step in the deinstitutionalisation process is generally

to raise awareness on a national scale. This is because the process involves a structural transformation of the social care and child protection system in Malaysia. However, many social workers worry that they will eventually lose their jobs since they think that 'deinstitutionalisation' signifies the immediate shutting down of institutions. Some orphanage owners also fear that children in their care could not survive when they leave the institutions (Chiew, 2019). In addition, many privately-run orphanages refuse to release children in their care for family-based care arrangements because some of these orphanages receive a large donation in the form of money or gifts. This has also led to a money-making organisation (Priya, 2014).

It is no easy task to convince orphanage owners, especially in the private sector, to cooperate with OrphanCare and the SWD to release children in their care so that they could be placed in family-based care such as foster care. Basically, more efforts are needed to raise awareness regarding the negative impacts of institutional care on children and their rights to live in a family setting. Currently, it seems that OrphanCare is the only NGO that actively work to persuade other institutions in the private sector to make the transition from institutional care to family-based care. Hopefully, many more institutions would participate in the deinstitutionalisation process and work together towards family-based care.

Besides that, it is important to thoroughly select qualified foster parents to care for the children to avoid them from being abused. It was reported that a former welfare child was abused and treated like a slave by her foster parents who were medical doctors for almost two years when living with them. She was assigned to live with the foster parents after spending most of her 18 years living in the welfare department homes. There was also no monitoring on the part of the SWD after they placed her in the care of the foster parents (Zainudin, 2017). This has also raised an

issue of the monitoring process. It follows that observation and visits must be made by the authority for a certain period after a child is placed in foster care. It seems that formal policies, circulars or regulations on foster care need to be provided for the private sector as well so that they can help contribute to the betterment of foster care service in Malaysia. This is important to ensure that the wellbeing of the child is being upheld by the foster parents. Measures must also be taken in the event that the foster child is suspected of being abused while in the care of foster parents such as through investigation and removal process.

### Conclusion

Foster care is considered as one of the family-based care options available for children without parental care in Malaysia. Like *kafalah*, foster care does not terminate the legal parent-child relationship permanently. They preserve the biological parentage of the children. Islam also encourages Muslims to take care of vulnerable children. Currently, the SWD and an NGO, OrphanCare, play vital roles in ensuring children without parental care have the opportunity to live and grow up in a family setting. Significantly, OrphanCare works closely with the SWD in the deinstitutionalisation process to release institutionalised children so that they can be placed in family-based care through foster care. Some of the children are also successfully reintegrated with their birth families. Emphasizing on the need of a child to a family and the negative impacts of institutional care on his or her development, OrphanCare continuously works with the SWD to promote family-based care to other institutions, shelters or orphanages in Malaysia, especially in the private sector. Although this transition takes time, the joint effort is a big step in making a significant transformation in the child protection system in Malaysia by preferring family-based care instead of institutional care as alternative care placements for children without parental care.

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### References

- Sahih al-Bukhari: 78 Good Manners and Form (Al-Adab)*. Vol. 8, Book 73, Hadith 34. <https://sunnah.com/bukhari/78/36>. Accessed March 8, 2020.
- Ali, A. N. M. A. and Andaleeb, Z. "Concept and Practice of Laws Relating To Adoption in Different Religion and Modern Societies: Special Reference to the Law of Islam," *Journal of Islamic Law and Judiciary* 3: 27-40, [http://works.bepress.com/cgi/viewcontent.cgi?article=1014&context=abunoman\\_ataharali](http://works.bepress.com/cgi/viewcontent.cgi?article=1014&context=abunoman_ataharali), 2008.
- Al-Qaradawi, Y. *The Lawful and The Prohibited in Islam (al-halāl wa al-harām fī al-islām)*. Kitab Bhavan, 2007.
- Bargach, Jamila. *Orphans of Islam: Family, Abandonment, and Secret Adoption in Morocco*. Lanham: Rowman & Littlefield Publishers, Inc, EPUB file, 2002.
- Berrick, Jill Duerr, Richard P. Barth, Barbara Needell, and Melissa Jonson—Reid. "Group Care and Young Children." In *Children in State Care*, edited by Mark Courtney and June Thoburn, 245-261. Farnham, England: Ashgate, 2009.
- Bukhari, M. I. *The Translation of the Meanings of Sahih Al-Bukhari, Arabic—English*. Vol. 7. Translated by Muhammad Muhsin Khan. Dar al-Fikr, n.d.
- Chiew, Huiyee. "Aina's Story: Why M'sia Needs to Rethink How It Treats Institutionalised Children." *Malaysiakini*, <https://www.malaysiakini.com/news/456532>, December 17, 2019.

- Colton, Mathew, and Margaret Williams. "Global Trends in Foster Care." In *Child Welfare: Major Themes in Health and Social Welfare Vol. III*, edited by Nick Frost, 147-158. London: Routledge, 2005.
- Dillon, S. "Making legal regimes for intercountry adoption reflect human rights principles: Transforming the United Nations Convention on the Rights of the Child with the Hague Convention on Intercountry Adoption," *Boston University International Law Journal* 21: 179-258, 2003. <http://www.bu.edu/law/central/jd/organizations/journals/international/volume21n2/documents/179-258.pdf>. Accessed July 9, 2012.
- Downs, Susan Whitelaw, Ernestine Moore, and Emily Jean McFadden. *Child Welfare and Family Services Policies and Practice*. 8th ed. Boston: Pearson Education Inc, 2009.
- Encyclopedia of Children and Childhood: In History and Society*. s.v. "Foster care." 3 vols. New York: Macmillan Reference USA, 2004.
- Imad-ad-Dean, Ahmad. "The Islamic View of Adoption and Caring for Homeless Children." 1999. <http://www.minaret.org/adoption.htm>. Accessed March 9, 2010.
- Ishaque, S. "Islamic Principles on Adoption: Examining the Impact of Illegitimacy and Inheritance Related Concerns in Context of a Child's Right to an Identity." *International Journal of Law Policy & Family* 22: 393-420, <https://doi.org/10.1093/lawfam/ebn009>, 2008.
- Little, Michael, Amelia Kohm, and Ronald Thompson. "The Impact of Residential Placement on Child Development: Research and Policy Implications." In *Children in State Care*, edited by Mark Courtney and June Thoburn, 223-
- The Role of the Private Sector in Providing Foster Care Service* 232. Farnham, England: Ashgate, 2009.
- Mohd, A. "Protection of Rights of Adopted Children in Relation to Duties to Adoptive Parents under the Law in Malaysia." *Adoption Quarterly* 14, no. 4: 229-245, <http://dx.doi.org/10.1080/10926755.2011.628261>, 2011.
- OrphanCare (Official Website). <https://orphanare.org.my/>. Accessed January 29, 2019.
- Priya, Sheila Sri. "A Home for Every Child." *The Star Online*, <http://www.thestar.com.my/News/Community/2014/06/17/A-home-for-every-child-Orphans-deserve-to-grow-up-in-a-family-setting-says-OrphanCARE-chairman>, June 17, 2014.
- Rowe, Jane. "Fostering in the Seventies." In *Children in State Care* edited by Mark Courtney and June Thoburn, 9-14. Farnham, England: Ashgate, 2009.
- Sonbol, Amira al-Azhary. "Adoption in Islamic Society: A Historical Survey." In *Children in the Muslim Middle East*, edited by Elizabeth Warnock Fernea, 45-67. Austin: University of Texas Press, 1995.
- Stahl, Philip Michael. *Children on Consignment: A Handbook for Parenting Foster Children and Their Special Needs*. New York: Lexington Books, 1990.
- Stein, Mike, and Kate Carey "Looking Back Again." In *Child Welfare: Major Themes in Health and Social Welfare Vol. III*, edited by Nick Frost, 267-275. London: Routledge, 2005.
- The Encyclopedia Americana*. s.v. "Child Welfare." International ed. 30 vols. Danbury, Conn: Grolier Incorporated, 1982.
- The Encyclopedia of Child Abuse*. s.v. "Institutional abuse and neglect." New York: Facts on File, Inc, 1989.

*The Gale Encyclopedia of Childhood & Adolescence*. s.v. "Adoption". Detroit: Gale Research, 1998.

Triseliotis, John. "Long Term Foster Care or Adoption? The Evidence Examined." In *Child Welfare: Major Themes in Health and Social Welfare Vol. III*, edited by Nick Frost, 67-85. London: Routledge, 2005.

Triseliotis, John, Clive Sellick, and Robin Short. "The Institution of Foster Care in Child Welfare Major Themes." In *Child Welfare: Major Themes in Health and Social Welfare Vol. III*, edited by Nick Frost, 130-146. London: Routledge, 2005.

Wechsler, Rachel J. "Giving Every Child a Chance: The Need for Reform and Infrastructure in Intercountry Adoption Policy." *Pace International Law Review* 22: 1-42, HeinOnline Database, 2010.

Willems, Jan C.M. (ed.). (2010). *Children's Rights and Human Development: A Multidisciplinary Reader*. Antwerp; Oxford; Portland: Intersentia, 2010.

Zainudin, Faiz. "Former Welfare Child Recalls Slave-Like Abuse at Foster Home." *Free Malaysia Today*, <https://www.freemalaysiatoday.com/category/nation/2017/10/07/former-welfare-child-recalls-slave-like-abuse-at-foster-home/>, October 7, 2017.

## Vaccination Practices and Preferences among Muslim Parents of Young Children: Trends and Misunderstandings

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### Introduction

Immunization has contributed to the improved health of millions of children worldwide. It has successfully reduced the burden of infectious diseases for many decades. Prescribing children with vaccination significantly reduces the cost of disease treatment and enhances their quality of life. Despite its numerous benefits, the practice and preference for vaccination are still some of the main concerns in certain parts of the world, particularly in developing countries (Jheeta & Newell 2008). Approximately 2.5

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